

UNITED STATES DISTRICT COURT
For the District of Massachusetts

DIOMED, INC.,

Plaintiff,

and

NEW STAR LASERS, INC. D/B/A COOL
TOUCH, INC.,

Defendant.

C. A. No. 04-CV-12157-RGS

**ASSENTED TO MOTION OF DEFENDANT NEW STAR LASERS, INC.
FOR AN EXTENSION OF TIME TO RESPOND TO COMPLAINT**

Defendant New Star Lasers, Inc. respectfully moves this Court to extend the time within which it must respond to the plaintiff's complaint in this action to and including December 3, 2004.

The grounds for this motion are that the additional time is reasonably necessary for defendant to prepare an appropriate response to the complaint. Plaintiff, through its counsel, Michael A. Albert of Wolf, Greenfield & Sacks, PC, has assented to this motion.

WHEREFORE, defendant New Star Lasers, Inc. respectfully prays that this motion be granted.

Dated: November 17, 2004

DIOMED, INC.,
By its attorneys,

Michael A. Albert (wsg)
Michael A. Albert (BBO # 558566)
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Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, MA 02210
(617) 646-8000

Respectfully submitted,

NEW STAR LASERS, INC., d/b/a COOL
TOUCH, INC.
By its attorneys,

William A. Zucker
William A. Zucker, BBO # 541240
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CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the above document was served upon the attorney of record for each party by mail/by hand/electronically.

By: W. A. Zucker

Date: November 17, 2004

William A. Zucker (BBO #541240)
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225 Franklin Street
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(617) 345-7000

Attorneys for Defendant New Star Lasers,
Inc.

Local Rule 7.1 Certification

I, William A. Zucker, hereby certify that counsel for defendant New Star Lasers, Inc. has conferred in good faith with counsel for plaintiff and has obtained plaintiff's assent to this motion.

By: W. A. Zucker
William A. Zucker (BBO #541240)